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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Fax: (703) 872-9306

KIRIL A. PANDELISEV

Serial No.: 09/881,091

Art Unit: 1731

Filed: June 15, 2001

Examiner: J. Hoffmann

For: HOT SUBSTRATE DEPOSITION FIBER OPTIC PREFORMS AND PREFORM
COMPONENTS PROCESS AND APPARATUS**RESPONSE**

To the Director of Patents and Trademarks

Sir:

In response to the office action dated April 2, 2004, kindly
reconsider and allow all claims.

The applicant has not changed claim 65 to take it outside of
any elected species.

The arguments on distinctions between claims 65-67, 73, 78-
82, 84, 86, 89 and 90 and Abe pointed out in the Response filed
January 26, 2004 are repeated by reference as if incorporated
fully herein.

37 CFR 1.144

The amendment to claim 65 simply adds directing particles toward the substrate. That has been in the application from the start and has been part of the application from the start.

What Abe does not have among other things that are supporting a substrate in a chamber and collecting particles on a substrate. Neither of those things is found in Abe.

Abe is not a valid 103(a) reference since it has neither the supporting in a chamber nor the collecting of particles of claim 65.

Abe does not mention any of those features or steps. Abe has no chamber. Abe states that particulate material, or soot, is formed and deposits on the inner surface of the tube. Forming the particulate material on the inner surface of the tube is not the same as collecting particles that are formed elsewhere as claimed.

Contrary to the examiner's assertion, the directing particles toward the substrate does not change or alter or affect the election, even if the examiner's misconstrued election were considered. For example, if particles were directed toward the Abe substrate, which they are not, they could be directed from inside Abe, which they are not.

The directing of particles was already in examined claim 73 and was in claim 65 by reference, as can be seen from claim 73.

Abe would not have made obvious the:

- porous body of claim 66;
- 0-90% solid glass density of claim 67;

- creating particle precursors in the chamber of claim 73;
- the heating of the substrate to 700-1500°C of claim 78 of to 1200-1400°C of claim 79;
- controlling solid glass density of claim 80;
- external heaters of claim 81;
- controlling pore size of claim 82;
- vitrifying of claim 84;
- vitrifying an outer layer of claim 86;
- introducing doping through the substrate while depositing particles on the substrate, reducing pressure in the chamber, first and second depositing and vitrifying of claim 89;
- reducing pressure before vitrifying the first and second layer of claim 90.

The applicant appreciates the examiner's candor in providing his thoughts in the fifth paragraph of the Office Communication dated May 27, 2004. However, the examiner's reference to a period to petition fails to take into account 37 CFR 1.144 and MPEP 818.03(c).

The restriction requirement was traversed, reconsideration of the requirement was requested, and the error in the restriction requirement was distinctly and specifically pointed out.

Reconsideration and allowance of all claims are requested.

Respectfully,



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